

REMARKS/ARGUMENTS

This application was subject to a Restriction Requirement; Applicants' election of the Group I claims (comprising claims 1-15 and 24-38) has been acknowledged by the Examiner. Claims 16-23 have been withdrawn by the Examiner from further consideration and, per the Examiner's request in the pending Office Action mailed January 31, 2006, this amendment cancels these claims. Further examination and reconsideration of this application, as amended, are requested.

A. CLAIMS HAVING ALLOWABLE SUBJECT MATTER

In the Office Action, claims 3-6, 8, 10, 11, 14, 15, 26-29, 31, 33, 34, 37, and 38 were objected to as being dependent on a rejected base claim, but were indicated as allowable if rewritten in independent form. With this amendment, Applicants have rewritten these claims into independent form.

In the case of claim 3 and claim 26, it is noted that each of these claims differs from its respective parent claims in that each contains the same two features that were indicating as being patentable subject matter: (1) the determination of whether user interaction should be continued is performed a predetermined time after the user begins interaction, and (2) the predetermined time comprises a predetermined number of [interaction] requests. It is asserted that nothing in the Examiner's comments indicates that both features together are required for patentability, and therefore this amendment moves these two features into two separate claims: the first feature (1) of claim 3 is now in new claim 39, and the first feature (1) of claim 26 is now in new claim 40.

That is, new claim 39 corresponds to claim 3 amended to incorporate the limitations of its parent claims, but only with feature (1), and likewise for new claim 40 for the features of claim 26. Thus, claim 3 is amended to depend from claim 39, and to delete the first feature (1), and leave intact the second feature (2). A similar change has been made to claim 26, so that claim 26 is amended to depend from claim 40, and to delete the first feature (1), and leave intact the second feature (2).

Therefore, in accordance with these amendments and with the examiner's comments and indication of allowable subject matter, it is asserted that claims 3-6, 8, 10, 11, 14, 15, 26-29, 31, 33, 34, 37, and 38, as well as new claims 39 and 40, are in condition for allowance. A Notice of Allowance is solicited for claims 3-6, 8, 10, 11, 14, 15, 26-29, 31, 33, 34, and 37-40

B. THE CLAIMS THAT WERE REJECTED UNDER SECTION 112 and/or 103

Claims 1, 2, 12, 13, 24, 25, 35, and 36 were rejected under Section 103 as being unpatentable over Blass and Scull, while claims 7, 9, 30, and 32 were rejected under Section 112 as being indefinite and also under Section 103 as being unpatentable over Bass, Scull, and Chadha.

1. Section 103 Rejection

The Examiner rejected claims 1, 2, 12, 13, 24, 25, 35, and 36 over the combination of U.S. Patent No. 6,296,489 to Blass and U.S. Patent Publication No. 2002/0004785 to Schull. The Blass '489 patent describes a language learning system, but does not permit user interaction comprising language learning responses prior to determining user authorization, as recited in the pending independent claims. Claim 1, for example, recites

permitting a user to interact with the computer facility through a computer node of a network, the user interaction comprising language learning responses submitted to the computer facility through the computer node;

performing a user authentication process to determine if the permitted user interaction is authorized; and

determining whether the permitted user interaction should be continued, if the user is determined not to be authorized....

Claim 24 is an independent apparatus claim that contains similar limitations, in which the user is permitted to interact and submit language learning responses, followed by an authorization check with information extracted from the user's language learning responses. New claims 41 and 46, discussed further below, contain similar limitations

relating to permitted interaction and subsequent language learning responses and an authorization check.

In contrast, Blass first checks for authorization, and will not let a language learning response be submitted if authorization is not first completed. In Figure 7, box 306 of Blass, program execution is halted (before learning responses can be submitted) if a user is not authorized or validated. Blass does not describe a process in which responses are permitted, and then authorization is carried out. Rather, Blass describes accepting commands and requests from a student only if the student is successfully authorized (see column 11, lines 31-46). Thus, it is impossible for Blass to meet the claim language.

Schull was cited (at paragraph 0033) for extracting user information from language learning responses for authentication and for using a code generator. To the contrary, however, Schull says nothing about language learning responses for extracting authorization and says nothing about a code generator as recited in the pending claims. Schull describes controlling access to software by comparing a present user's voice input for comparison to a previously stored voice (the ID-Target), but voice input comparison is not related to language learning responses, which are content dependent. Thus, Schull does not make up for the deficiencies of Blass, and the combination of the two cannot provide the features of the claimed invention relating to determining whether permitted user interaction should be continued, pursuant to checking received language learning responses. Therefore, it is submitted that claims 1, 2, 12, 13, 24, 25, 35, and 36 are not rendered obvious by the proposed combination of Blass and Schull.

The Examiner rejected claims 7, 9, 30, and 32 under Section 103 as being unpatentable over Blass, Schull, and U.S. Patent No. 5,963,908 to Chadha. The Chadha patent was cited for using student instruction progress/performance information for authentication. Schull, however, does nothing to make up for the deficiencies of Blass and Schull. Chadha denies computer access if authorization is not first satisfied; see Figure 3b, box 235 and accompanying text. In this way, Chadha is similar to Blass, and

therefore any proposed combination of them would still be lacking the unique authorization features of the claimed invention. Therefore, claims 7, 9, 30, and 32 are not rendered obvious by the proposed combination of Blass, Schull, and Chadha.

2. Section 112 Rejection

The Examiner rejected claims 7, 9, 30, and 32 due to uncertainty in the phrases relating to "progress information" and "performance information" in the context of user authorization. Claims 7 and 30 have been amended to clarify that "progress information" relates to language learning lesson level. Claims 9 and 32 have been amended to clarify that "performance information" relates to results of language learning responses.

These clarifications are illustrated in the Figure 2 flow chart and are described in the corresponding description in the specification at page 11, lines 3-20, where it is explained that user authorization can involve checking the user's progress with respect to the current user's lesson level as compared with prior lesson levels attributed to the same user (student), and authorization can also involve checking the user's performance (lesson results) with respect to the current user as compared with prior lesson results attributed to the same user (student). In either case, a discrepancy between a prior user lesson level or performance results is detected and can indicate fraudulent activity (see page 11, lines 9-11 and lines 16-17. With this clarification, it is submitted that claims 7, 9, 30, and 32 meet the requirements of Section 112.

The remaining art of record has been reviewed, but does not make up for the deficiencies of Blass, Schull, and Chadha with respect to any of the pending claims.

C. NEW CLAIMS

Claims 41-50 have been added and relate to the feature of permitting a user to interact with a computer facility and submit language learning responses, followed by an authorization check with information extracted from the user's language learning responses, in conjunction with a code generating microphone through which the user provides speech input. These new claims are supported by the specification as originally filed; see, for example, the specification at page 21 and page 22. For the reasons cited

above, it is submitted that these new claims are patentable over the art of record and are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe the application is now in order for allowance. Applicants therefore respectfully request early allowance of the application for claims 1-15 and 24-50.

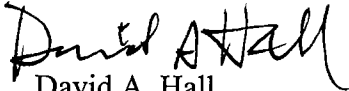
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at direct dial telephone number 858-350-6107.

Applicants hereby request a two month extension of time, up to and including June 30, 2006, in which to file this Amendment. The Commissioner is hereby authorized to charge the extension fee of \$225.00, the fee associated with a two-month extension of time for a small entity, to Deposit No. 20-1430.

The Commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 20-1430.

Applicants also request that the attorney docket number in the PAIR system and any future correspondence relating to this application be changed from "37818-6035" to "026285-000210."

Respectfully submitted,


David A. Hall
Reg. No. 32,233

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (858) 350-6100
Fax: (415) 576-0300

DAH:dah
60793579 v3